

**IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF MISSISSIPPI**

ABERDEEN DIVISION

MOSE LEE SUDDUTH, JR.

PLAINTIFF

vs.

CAUSE NO.:1:18-CV-051-SA-DAS

LOWNDES COUNTY, MISSISSIPPI,

ROGER COLEMAN, AND NORTH ATLANTIC

SECURITY COMPANY

DEFENDANTS

**RESPONSE TO MOTION TO DISMISS OR GRANT SUMMARY
JUDGMENT AS TO STATE LAW CLAIMS ON IMMUNITY GROUNDS**

COMES NOW the Plaintiff, MOSE LEE SUDDUTH, JR., (hereinafter the "Plaintiff"), and files this, his RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION TO DISMISS AND/OR JUDGMENT ON THE PLEADINGS AS TO FEDERAL LAW CLAIMS, and in support of same, would respectfully represent and show unto the Court as follows:

1. The factual and legal premise stated by the Defendant in its Motion are denied.
2. The allegations set forth in the Complaint must be accepted as true. Those allegations are sufficient to establish a right to relief.

3. The Defendant unlawfully employed the Defendant, NORTH ATLANTIC SECURITY COMPANY, to provide security at the Lowndes County Justice Court.

4. The Defendant, ROGER COLEMAN, was a defacto law enforcement officer who was unlawfully constituted to perform duties for and on behalf of the Defendant, LOWNDES COUNTY, MISSISSIPPI because he was an uncertified, untrained law enforcement officer.

5. The actions of the Defendant, ROGER COLEMAN, were under color of state law.

6. The policy decisions of the Defendant in creating a circumstance wherein unqualified law enforcement officers were permitted to enforce the law which caused the Plaintiff's injuries.

7. The Defendant, ROGER COLEMAN, served as the "alter ego" of the Lowndes County Sheriff.

8. The Complaint sufficiently describes facts and circumstances to survive the Defendant's Motion.

Respectfully submitted,

MOSE LEE SUDDUTH, JR.,
PLAINTIFF

By /s/ _____
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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of May, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Jeffery M. Navarro
Jeffery M. Navarro